

LAW OFFICES OF THOMAS MORE HOLLAND  
 BY: **THOMAS MORE HOLLAND**  
 IDENTIFICATION NO.: 43517  
 1522 LOCUST STREET  
 GRACE HALL  
 PHILADELPHIA, PA 19102

**IN THE UNITED STATES DISTRICT COURT  
 FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>JOSEPH MARINO</b> Plaintiff,  v.  <b>KENT LINE INTERNATIONAL</b> <b>d/b/a VOYAGEUR SHIPPING LTD., et al.</b> Defendants.	§ § § § § § § § §	<b>CIVIL ACTION NO: 02-CV-4489</b>
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**PLAINTIFF'S SUPPLEMENTAL ARGUMENT IN OPPOSITION TO THE  
 MOTION FOR SUMMARY JUDGMENT OF SLS, INC. d/b/a HOLT  
 OVERSIGHT AND LOGISTICAL TECHNOLOGIES, INC.**

Movant Holt has failed to satisfy the legal requirements of the borrowed servant doctrine with respect to this affirmative defense. The authority set forth in the original argument submitted by Plaintiff referenced the legal standard in the New Jersey Superior Court cases of Volb and Gore. Exhibit K, appended hereto hereto is the deposition testimony of Defendant Joseph Levy.

Defendant Joseph Levy reported directly to Defendant Holt personnel. He did not report to Trans Ocean Maritime Services Exhibit K, at 13. Defendant Joseph Levy's own party admission "I was not employed by Trans Ocean Maritime Services." (Exhibit K, 9). Defendant Holt, not the alleged borrowing employer Trans Ocean paid and withheld taxes from Defendant Joseph Levy's pay checks (Exhibit K 35, 36).

**WHEREFORE,** The affirmative defense of statutory employer has not been established. As a consequence the motion for summary judgment on behalf of Defendant Holt, it is respectfully submitted, should be denied.

Respectfully Submitted,

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**THOMAS MORE HOLLAND**

DATED: September 9, 2003

**PROOF OF SERVICE**

I, Thomas More Holland, Esquire, hereby certify that a true and correct copy of the foregoing **PLAINTIFF'S SUPPLEMENTAL ARGUMENT IN OPPOSITION TO THE MOTION FOR SUMMARY JUDGMENT OF SLS, INC. d/b/a HOLT OVERSIGHT AND LOGISTICAL TECHNOLOGIES, INC.** to the court and counsel of record electronically, the presiding Judge and Clerk with hard copies. Counsel of record and pro se Defendants received copy by regular mail with Exhibit I.

Ann-Michele G. Higgins, Esquire \_\_\_\_\_

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**and to the pro se Defendants by regular mail:**

Mr. Joseph Levy  
615 Newton Avenue  
Oaklyn, NJ 08107

Maureen Levy  
118 Woodland Terrace  
Oakland, NJ 09107

\_\_\_\_\_  
**Date:** September 9, 2003

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**THOMAS MORE HOLLAND**  
Attorney for Plaintiff